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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,708	03/18/2004	Raymond A. Heimann	P06436US00	7823

27139 7590 11/22/2005

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EXAMINER	
WILLIAMS, MARK A	

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/803,708	HEIMANN	
	Examiner	Art Unit	
	Mark A. Williams	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 8-13, 15-23, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedoeem, US Patent 5,282,293, in view of Henstrom, US Patent 1,418,076, or Erickson, US Patent 2,135,280, or Morgan, US Patent 4,928,350. Pedoeem provides, in combination with a cabinet 201 and a door 202, a hinge for pivotally connecting the door to the cabinet, comprising a door leaf 103 mounted within the door; a cabinet leaf 101 mounted on an exterior surface of the cabinet, and an intermediate leaf 102 interconnecting the door and cabinet leaves so as to allow the door to pivot between open and closed positions. A first pin 116 connecting the door leaf and intermediate leaf together and a second pin 109 connecting the cabinet leaf and intermediate leaf together. The first pin is within the door. The intermediate leaf pivots about the second pin and then the door leaf

pivots about the first pin when opening the door. The cabinet leaf is fixed relative to the second pin and the intermediate leaf pivots about the second pin. The door leaf pivots about the first pin and then the intermediate leaf pivots about the second pin when closing the door. At least one of the cabinet leaf and intermediate leaf includes a cam ramp 110 to delay full pivotal movement about the second pin until pivotal movement about the first pin is complete.

Pedoeem discloses the claimed invention except the door leaf, curved portion, an intermediate leaf end, and the first pin each being fully enclosed within the door, as claimed. Such structure is generally known in the art as a means of hiding a hinge pin and associated hinge leaf. Each of Henstrom, Erickson, and Morgan provides similar structure. It would have been obvious at the time the invention was made for one skilled in the art to have modified the device in this way, similarly to that shown in each of Henstrom, Erickson, and Morgan, for the purpose of providing a means of hiding the hinge pin and associated hinge leaf. Such modifications are not considered novel.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedoeem. Although Pedoeem explicitly teaches a swing of 180 degrees, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modified the device to allow for a swing of 270 degrees, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Such a modification is not critical to the design and would have produced not unexpected results.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedoeem in view of Gidseg et al., US Patent 5,048,233. Pedoeem teaches the claimed invention except for explicitly showing a pair of like hinges joined by a rod member. Gidseg teaches this general concept, as well known in the art as a means for forming a hinged cabinet or like device. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Pedoeem such a modification, for the purpose of forming a hinged structure, such as a cabinet or like structure.

Response to Arguments

5. Applicant's arguments filed 8/30/05 have been fully considered but they are not persuasive.

Applicant argues that the applied prior art does not provide for fully enclosing the door leaf and first hinge pin, as claimed. As outlined above in the cited rejection, such a modification is considered obvious in view of the state of the art. Such a modification is not considered novel, because one skilled in the art would know that such structure could be used as a way to hide the hinge pin and leaf from view.

Applicant argues that Pedoeem teaches away from the concept of a swinging of 270 degrees. However, one skilled in the art would know that such a modification only involves optimization of range, as noted in the above rejection. Surely the device of Pedoeem could be modified to include applications that do not require a concern as to the extent of opening, or where an increased opening would be of more value. Such a modification is an obvious modification, and is not considered novel.

Applicant argues that Pedoeem does not teach cam ramps, as claimed, but friction fitting. It is the position of the examiner that the term cam ramp is substantially broad and can be generally consider to surfaces engaging one another.

Therefor, the structure of Pedoeem would meet such a limitation. No sufficient structure has been claimed to adequately distinguish applicant's invention from Pedoeem.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
11/12/05

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER